

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 17-31 remain pending in the present application. No new matter is added.<sup>1</sup>

By way of summary, the Official Action presented the following issues: Claims 27-31 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 17-31 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; Claims 17-19, 21-24, 26-29, and 31 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publ'n No. 2006/0095937 to Knudson et al. (hereinafter “Knudson”); and Claims 20, 25, and 30 were rejected under 35 U.S.C. § 103(a) as obvious over Knudson.

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants and Applicants’ representative wish to thank Examiner Ingvoldstad for the courtesy of the personal interview granted on June 23, 2010. During the interview, amendments addressing the outstanding grounds of rejection were discussed. Claim amendments and comments similar to those presented during the interview are included herein.

Further, Examiner Ingvoldstad suggested review Claim 17 in view of U.S. Patent No. 7,367,043 to Dudkiewicz et al. (hereinafter “Dudkiewicz”). Dudkiewicz concerns an “on-screen alert [that] is preferably available in multiple styles that may be chosen by the user, such as an icon or an information banner.”<sup>2</sup> According to Dudkiewicz, “The banner is . . .

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<sup>1</sup> The amendments to independent Claims 17, 22, and 27 find support at least in the specification in the paragraph bridging pages 31 and 32. The amendments to Claims 19, 24, and 29 find support at least in the specification in the second full paragraph on page 31.

<sup>2</sup> Dudkiewicz, col. 18, l. 67.

preferably provided in different colors that correspond to the viewer profile that generated the alert.”<sup>3</sup>

That is, Dudkiewicz merely describes providing a banner in different colors.

Dudkiewicz does not disclose or suggest changing a color of words.

Dudkiewicz is not believed to be pertinent to “a display section configured to change a color of a displayed one of the plurality of characteristic words relative to a color of an other displayed one of the plurality of characteristic words,” as presently recited in independent Claim 17.

#### REJECTION UNDER 35 U.S.C. § 101

Claims 27-31 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Independent Claim 27 has been amended to clarify that the claimed storage medium is non-transitory, based on the understanding that “non-transitory” describes a feature of the claimed storage medium rather than limits data storage persistency.<sup>4</sup>

A non-transitory storage medium is an article of manufacture and is, therefore, statutory. Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 101.

#### REJECTION UNDER 35 U.S.C. § 112

Claims 17-31 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Although it is believed that Claims 17-31 complied with the written description requirement as written, Applicants have amended independent Claims 17, 22, and 27 to expedite prosecution by deleting the term “a file.”

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<sup>3</sup> Id., col. 19, ll. 11-13.

<sup>4</sup> See Subject Matter Eligibility of Computer Readable Media, 1351 Off. Gaz. Pat. & Trademark Office 212 (2010).

Accordingly, Applicants request the withdrawal of the rejection under 35 U.S.C. § 112.

REJECTIONS UNDER 35 U.S.C. §§ 102-103

Claims 17-19, 21-24, 26-29, and 31 were rejected under 35 U.S.C. § 102(e) as anticipated by Knudson. In light of that rejection, independent Claims 17, 22, and 27 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied reference.

Amended Claim 17 is directed to an information processing apparatus, including, in part, “a display section configured to change a color of a displayed one of the plurality of characteristic words relative to a color of an other displayed one of the plurality of characteristic words . . . .” Applicants respectfully submit that Knudson fails to disclose or suggest that feature.

Knudson concerns a “program guide [that] allows the user to . . . select a desired listing (e.g., by positioning a highlight region such as highlight region 360 (FIG. 9), 362 (FIG. 10), or 412 (FIG. 11)).”<sup>5</sup> Knudson is silent regarding a color of words in the highlight region.

Knudson does not disclose or suggest “a display section configured to change a color of a displayed one of the plurality of characteristic words relative to a color of an other displayed one of the plurality of characteristic words,” as recited in amended Claim 17.

It is respectfully submitted that independent Claim 17 (and all associated dependent claims) patentably distinguishes over Knudson for at least that reason.

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<sup>5</sup> Knudson, para. [0068].

It is further submitted that independent Claims 22 and 27 (and all associated dependent claims) patentably distinguish over Knudson for at least reasons analogous to that set forth above with regard to Claim 17.

Further, Claims 20, 25, and 30 were rejected under 35 U.S.C. § 103(a) as obvious over Knudson. Amended Claim 20 recites that “the display section is further configured to display the displayed one of the plurality of characteristic words in an inverted color relative to the other displayed one of the plurality of characteristic words.”

The Office took Official Notice that “it was well known to use inverse colors, (e.g. black and white, red and green, blue and yellow, etc.) as different colors in a user interface.”<sup>6</sup>

Even assuming that it was well-known to use inverse colors, it might not have been known to use inverse colors in the context of characteristic words set forth in independent Claim 15.

Thus, it cannot be instantly and unquestionably demonstrated that the feature that “the display section is further configured to display the displayed one of the plurality of characteristic words in an inverted color relative to the other displayed one of the plurality of characteristic words” was well-known at the time of Applicants’ invention. Accordingly, Applicants request that the Office support its taking of Official Notice with documentary evidence in compliance with MPEP § 2144.03 A.

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<sup>6</sup> Office Action at 7.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the applied reference. The application is therefore in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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